

### REMARKS

Claims 16-25, 44-53 and 57-74 are pending. Claims 1-15, 26-43 and 54-56 have been cancelled without prejudice or disclaimer of the subject matter therein. New claims 57-74 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

#### *Claim Rejections – 35 USC §102*

Claims 16 and 44 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Pub. No. 2003/0086721 to Guillemín et al. ("Guillemín"). This rejection is respectfully traversed.

When applying a reference under 35 U.S.C. §102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"<sup>1</sup>, and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim."<sup>2</sup> As discussed in further detail below, Guillemín fails to set forth each and every element of either claim 16 or claim 44, and fails to disclose the identical imaging system or method as set forth in claims 16 and 44, respectively.

Each of claims 16 and 44, as amended herein, include the features of determining page numbers on pages being imaged based at least in part on data received from an OCR engine, and detecting an error based on comparing the page numbers of consecutive pages. As discussed in further detail below, Guillemín fails to disclose at least the feature of detecting an error based on comparing the page numbers of consecutive pages.

Guillemín is generally directed to a method and apparatus for determining a page orientation of a page of a document that is to be imaged by an imaging device, and changing the orientation of the page to comply with a predetermined, preferred orientation (see paragraph [0035]). As described with reference to Figs. 5A and 5B, and in detail in paragraph [0056], Guillemín provides a page orientation program that performs OCR on a pre-selected portion of

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

each page to determine whether a footer is present. The footer can include information such as page number "PN" (see Fig. 4), document title, date, and other information. Guillemin notes that, because many documents contain a footer, a footer can be a useful portion of the document to determine page orientation. Guillemin further describes that the page orientation program does not need to performed OCR on the footer area of the document page, and need only determine whether information is present in that area. If information is present in the footer portion, then it is indicative of a footer, and thus the bottom of the page (see paragraph [0056]). In another embodiment, if text is identified in the footer area, OCR can be performed to determine whether a correctly oriented page number is present.

Accordingly, Guillemin scans a portion of a single page to identify a footer area, and determines a page orientation based on the presence of a footer (e.g., a footer indicates the bottom of a page). In a specific embodiment, the orientation of a page number that is present in the identified footer area of the single page can be used to determine the orientation of the page. Guillemin, however, only describes determining an orientation of a page number and does not describe determining a page number value (e.g., 1, 2, 3, 4, ...). Further, Guillemin does not describe comparing page numbers of consecutive pages. Consequently, Guillemin does not disclose the claim features of determining page numbers on pages being imaged based at least in part on data received from an OCR engine, and detecting an error based on comparing the page numbers of consecutive pages.

In view of the foregoing, Guillemin fails to set forth each and every element of either claim 16 or claim 44, and fails to disclose the identical imaging system or method as set forth in claims 16 and 44, respectively. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Allowable Subject Matter

Claims 17-25 and 45-53 are objected to as being dependent upon a rejected base claim. The Examiner has noted that each of claims 17-25 and 45-53 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

New claim 57 embodies original claim 17 rewritten in independent form including all of the limitations of claim 16, its base claim. Accordingly, claim 57 is in condition for allowance.

New claim 66 embodies original claim 45 rewritten in independent form including all of the limitations of claim 44, its base claim. Accordingly, claim 66 is in condition for allowance.

*Other Claim Amendments*

Claim 17 has been amended to replace the phrase "a predetermined consecutive pages" with the phrase "a predetermined number of consecutive pages".

Claim 53 has been amended to properly depend from claim 52.

Claims 58-65 and 67-74 have been added. Claims 58-65 parallel the subject matter of original claims 18-25, respectively, and claims 67-74 parallel the subject matter of original claims 46-53, respectively. Each of claims 58-65 and 67-74 ultimately depends from one of claims 57 and 66, which are in condition for allowance, as discussed in detail above.

Consequently, each of claims 58-65 and 67-74 are also in condition for allowance for at least the same reasons.

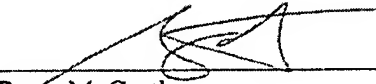
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Applicants have co-filed herewith a Petition to Revive under 37 CFR §1.137(b). All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 16113-1305001.

Respectfully submitted,

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